UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DANIELLE BITON,

Plaintiff,

- against -

NEW YORK CITY TRANSIT AUTHORITY and METROPOLITAN TRANSPORTATION AUTHORITY,

Defendants.

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NOT FOR PRINT OR ELECTRONIC PUBLICATION

MEMORANDUM & ORDER

12-CV-02686 (CBA) (LB)

AMON, Chief United States District Judge.

Plaintiff Danielle Biton, appearing pro se, filed this action on May 23, 2012 against the New York City Transit Authority and the Metropolitan Transportation Authority. By Order dated June 19, 2012, this Court dismissed the complaint as frivolous and warned Biton that this Court would not tolerate frivolous filings and that if she persisted in the filing of frivolous actions, the Court would enter an order barring her from filing any future in forma pauperis complaints without first obtaining leave of the Court to do so. (DE # 4). In fact, by Order dated February 28, 2013, Biton was enjoined from filing any further in forma pauperis actions in the Federal Court for the Eastern District of New York without first obtaining permission from the Court to do so. See Biton v. Prime Minster of Israel, No. 12-CV-5234; Biton v. Washington Dulles Airport Auth., No. 12-CV-5331; Biton v. Aventura, No. 12-CV-5246. By Orders dated July 31, 2012, October 25, 2012, and April 5, 2013, this Court denied Biton's three previous motions for reconsideration in this action. (DE # 7, #15, #20). In a submission she titles "Motion for Rehearing En Banc," dated April 16, 2013, just eleven days after the denial of her third motion for reconsideration, Biton again moves for reconsideration of the Court's Order dismissing her case. (DE #21.) The motion is, for the fourth time, denied.

The standard for granting a motion to reconsider under either Rule 60(b) of the Federal Rules of Civil Procedure or Local Rule 6.3 of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York 6.3 is a strict one. Indeed, a district court will generally deny reconsideration unless the moving party can point to either "controlling decisions or data that the Court overlooked - matters that might reasonably be expected to alter the conclusion reached by the court." Lora v. O'Heaney, 602 F.3d 106, 111 (2d Cir. 2010) (quoting Schrader v. CSX Transportation, Inc., 70 F.3d 255, 257 (2d Cir. 1995)).

As with her three previous motions for reconsideration, Biton's current submission fails to allege any controlling legal arguments or facts that this Court overlooked or that would otherwise lead this Court to alter its conclusion that her case must be dismissed. As this Court concluded in its original dismissal of her complaint, Biton's claims are "irrational and completely devoid of merit." (DE # 4 at 4).

CONCLUSION

Accordingly, Biton's fourth motion for reconsideration is denied. The Clerk of Court shall accept no further submissions under this docket number. Biton is reminded that she is enjoined from filing any future in forma pauperis complaints in the Federal Court for the Eastern District of New York without first obtaining leave of Court. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is denied for purpose of an appeal. Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: Brooklyn, New York
May 16, 2013

/S/ Chief Judge Carol B. Amon

Carol Bagley Amon
Chief United States District Judge